

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 8 D.C.
05 AUG 22 AM 9:56
THOMAS W. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON

BANNER LIFE INSURANCE COMPANY,)
)
Plaintiff,)
v.)
)
MARGARET JOHNSON,)
)
Defendant.)

Case No. 05-1070

**CONSENT ORDER OF DISMISSAL WITH PREJUDICE AND DIRECTING
PAYMENT OF REGISTRY FUNDS TO DEFENDANT**

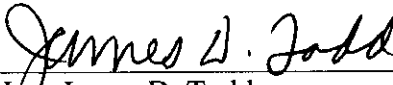
It appearing to the Court that plaintiff, Banner Life Insurance Company ("Banner"), and defendant Margaret C. Johnson, have reached an agreement resolving the issues raised in Banner's Complaint, the Court, for good cause shown, finds as follows:

1. This Court has jurisdiction over the subject matter and the parties;
2. Banner filed this action seeking rescission of life insurance Policy No. 17B666074, insuring the life of William C. Johnson, who died of lung cancer approximately three months after Banner issued the policy;
3. Pursuant to this Court's Order of March 28, 2005, Banner deposited the sum of \$351.84 with the Clerk of this Court, and those sums represent the sum of premiums paid for Policy No. 17B666074;
4. The parties agree that Policy No. 17B666074 shall be rescinded and that defendant, Margaret Johnson, is entitled to payment of the \$351.84 Banner deposited with the Clerk;

5. The parties further agree that this action should be dismissed with prejudice upon the Clerk's payment to defendant of \$351.84, and that no fees or costs should be awarded to either party; and


6. The parties' agreement resolves all issues raised in Banner's complaint.

IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that Banner Life Insurance Policy No. 17B666074 is hereby rescinded and declared void *ab initio*; it is further ORDERED that the Clerk of the United States District Court is directed to issue a check from the registry to defendant in the amount of \$351.84, representing the sum previously deposited with the Clerk by Banner; it is further ORDERED this action is hereby dismissed with prejudice, and that no costs are assessed to either party.




Hon. James D. Todd
United States District Judge
19 August 2005

AGREED:



S. Russell Headrick
Leigh M. Chiles
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Attorneys for Banner Life Insurance Company



Margaret C. Johnson, *Pro Se*



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01070 was distributed by fax, mail, or direct printing on August 22, 2005 to the parties listed.

S. Russell Headrick
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Honorable James Todd
US DISTRICT COURT